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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 JUSTIN SPENTZ,

12 Defendant.
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Case No. 2:08-cr-00164-KJD-GWF

ORDER

Motion to Direct Surrender of Files (#297)

14 This matter comes before the Court on Defendant Justin Spentz's ("Spentz") Motion to Direct
15 Surrender of Files (#297), filed on January 22, 2013. The time to file any opposition expired on
16 February 4, 2013. Spentz desires a copy of the file generated by his trial counsel, Gary Myers
17 ("Myers"), in the underlying criminal matter ("File") for use in preparing a collateral attack on his
18 conviction. Spentz represents to the Court that he has requested the File from Myers on multiple
19 occasions but has received no response. Furthermore, the Court has previously ordered Myers to
20 provide Spentz with a copy of the File. *See Doc. #295*. Under Nevada Rule of Professional Conduct
21 1.15(a), attorneys shall safeguard any client files in their possession for seven years after the termination
22 of representation. Upon request, Spentz is entitled to the File generated for his defense in the
23 underlying trial. Accordingly,

24 **IT IS HEREBY ORDERED** that Defendant Justin Spentz's Motion to Direct Surrender of
25 Files (#297) is **granted**.

26 **IT IS FURTHER ORDERED** that Trial Counsel Gary Myers shall provide to Defendant Justin
27 Spentz a copy of all documents obtained or generated for Defendant's defense in the underlying matter
28 at Defendant's last known address: F.C.I. Phoenix, 37910 North 45th Avenue, Phoenix, Arizona 85086.

IT IS FURTHER ORDERED that the Clerk of the Court shall direct service of this Order and the instant Motion (#297) by certified mail to Trial Counsel Gary Myers at the following addresses:

Gary Myers
7251 West Lake Mead Boulevard, Suite 300
Las Vegas, Nevada 89128

Gary Myers
10601 Pedal Point Place #204
Las Vegas, Nevada 89144

IT IS FURTHER ORDERED that Defendant Justin Spentz shall notify the Court in writing if he does not receive a copy of his File within ten days of the date of this Order.

DATED this 12th day of February, 2013.


GEORGE FOLEY, JR.
United States Magistrate Judge